

Amendments to the Drawings

Please cancel Figures 4A-4E.

A copy of the replacement sheets (EXHIBIT A) is attached hereto. Figures 2A-2D have been amended to insert reference numeral 207 showing a “flow-off edge.” Pursuant to M.P.E.P. §608.02(t), Applicants submit a marked-up copy of the drawing sheet including an annotation showing that the drawing has been canceled.

Attachment: (EXHIBIT A) Replacement Sheets

REMARKS

Claims 1, 2, 5, 7-15, 17, 19 and 20 are pending in the present application, with claims 7-10, 17, 19, and 20 having been withdrawn from further consideration. By the present Communication, no claims have been added or canceled, and claims 1 and 13 have been amended to define Applicant's invention with greater particularity. Support for the amended claims may be found, among others, at paragraph [0029] and Figures 2A-2D as filed. Accordingly, upon entry of this paper, claims 1, 2, 5, and 11-15 will be under consideration.

Objections to the Drawings

Applicant respectfully traverses the objection to the drawings as allegedly containing new matter. Without acquiescing to the reasoning of the Office, and in order to further prosecution of the instant application, Applicant has canceled Figures 4A-4E, and a marked-up copy of the corresponding drawing sheet is attached hereto. Accordingly, withdrawal of the objection is respectfully requested.

The Office Action further alleges that the "partition wall" set forth in claims 1 and 13 must be shown or the feature canceled from the claims. Applicant respectfully submits that claims 1 and 13 refer to a toilet bowl that *does not* have a partition wall located between the urine outlet and the faecal outlet. Since the claimed limitation is "no partition wall," Applicant submits that the Figures 1 and 2A-2D as amended accurately show the claimed device. However, without acquiescing to the reasoning of the Office, and in order to further prosecution of the instant application, Applicant has amended claims 1 and 13 to remove the allegedly not shown feature, and insert a "flow-off edge." In addition, Figures 2A-2D were amended to insert a reference numeral 207 showing the flow-off edge. Accordingly, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. §112, First Paragraph

Applicant respectfully traverses the rejection of claims 1, 2, 5 and 13 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification. Specifically, the Office Action alleges that claims 1 and 13 recite “no partition wall.” As indicated above, Applicant has removed allegedly unsupported expression from the claims, rendering the rejection moot. Accordingly, withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §112, Second Paragraph

Applicant respectfully traverses the rejection of claims 1, 5, 11 and 13 under 35 U.S.C. §112, first paragraph, as allegedly being indefinite. Specifically, the Office Action alleges that claims 1 and 13 recite the absence of a “partition wall,” but there appears to be a “partition wall” illustrated in Figure 2A separating elements 202 and 203. Applicants respectfully direct the Examiner’s attention to paragraph [0029], which discloses that “[l]ocated deeper than the urine outlet is the flow-off edge of the faecal outlet.” The line illustrated in Figures 2A-2D shown separating elements 202 and 203 is intended to illustrate that the faecal outlet is located deeper within the bowl than the urine outlet. In essence, it is a drop off separating two elevations within the bowl. The flushing water flushes over the closed urine outlet, and then rinses through the faecal outlet by the force of gravity, whereby no flushing water remains upon the closed urine outlet. If the line had represented a partition wall separating both outlets, a portion of the flushing water would remain upon the urine outlet. As such, Applicant submits that Figure 2A does not illustrate a partition wall separating the urine outlet from the faecal outlet. Accordingly, withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Applicant respectfully traverses the rejection of claims 1, 2, 5 and 11-15 under 35 U.S.C. §102(b), as allegedly being anticipated by Geeham. To anticipate, a single reference

must inherently or expressly teach each and every element of the claimed invention. *In re Spada*, 15 USPQ2d 1655 (Fed Cir. 1990); and *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP § 2131.

The Office Action alleges that the opening device of Geeham would function whether a user either sits on the toilet seat or not, the closing device of Geeham would function whether a user either rises or does not, the opening and closing devices would function whether there was water in the toilet bowl or not, and solids may not remain anywhere in the Geeham toilet bowl which would render the draining with flushing water features inconsequential.

With regard to the allegation that there is “no partition wall” in the toilet bowl of Geeham, the Applicant respectfully disagrees. Specifically, the rear part of the u-shaped siphon is a partition wall between the urine outlet and the faecal outlet, **when the urine outlet is closed**, unlike the present invention. Furthermore, the Geeham toilet does not have two outlets connected to two separated drainage pipes, like the present invention. Thus Geeham toilet is fundamentally incapable, to drain urine and faeces separately.

With regard to the allegation that the Geeham opening and closing devices are capable of being used in the functionally recited manner of the claimed invention, Applicant respectfully disagrees. Specifically, the Geeham toilet bowl renders the water-free collection and disposal of urine impossible. The Office Action declares the u-shaped siphon, which is a common feature for all flushing toilets, as protrusions for urine guidance. In contrast, the protrusions of the instant invention are located on the inner lateral surface of the bowl so as to guide urine to the urine outlet.

With regard to the allegation that the opening device (18) functions, whether a user sits on the toilet seat (2) or not, Applicant respectfully disagrees. Specifically, the sitting down on the toilet according to Geeham **does not cause the opening** of the urine outlet, as in the present invention. The Office Action further states that the closing device 52b functions, whether a user rises or not. Applicant respectfully disagrees and submits that the rising from the toilet according to Geeham **does not cause the closing** of the urine outlet, as in the present invention.

With regard to the allegation that the opening and closing devices would function, whether there is water in the toilet bowl, or not, Applicant submits that the toilet according to Geeham does not allow for the drainage of undiluted urine without flushing water. Once the toilet is flushed, there will always be water 34 in the trap 24 (see Geeham), rendering the collecting and drainage of undiluted (water-free) urine impossible, as disclosed in the present invention.

Finally, with regard to the allegation that there will not remain any solids in the Geeham toilet, and therefore the flushing water features of claims 1 and 11 would be inconsequential, Applicant submits that the flushing feature is necessary for removal of disposed solids in the Applicants toilet bowl, and that the flushing water further cleans the closed urine outlet. Furthermore, the urine outlet of the Geeham toilet is always covered with flushing water, unlike the present invention.

Accordingly, Applicant submits that since Geeham fails to disclose each and every element of the claimed invention, Geeham fails to anticipate the claimed invention. Withdrawal of the rejection is respectfully requested.

Applicant respectfully traverses the rejection of claims 1, 2, 5 and 11-15 under 35 U.S.C. §102(b), as allegedly being anticipated by Wilhelm. To anticipate, a single reference must inherently or expressly teach each and every element of the claimed invention. *In re Spada*, 15 USPQ2d 1655 (Fed Cir. 1990); and *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP § 2131.

The Office Action alleges that the opening device of Wilhelm would function whether a user either sits on the toilet seat or not, the closing device of Wilhelm would function whether a user either rises or does not, the opening and closing devices would function whether there was water in the toilet bowl or not, and solids may not remain anywhere in the Wilhelm toilet bowl which would render the draining with flushing water features inconsequential.

With regard to the allegation that there is "no partition wall" in the toilet bowl of Wilhelm, the Applicant respectfully disagrees. Specifically, Applicant submits that the Wilhelm toilet does have a partition wall, which increases the water level from element level

13 up to element level 14, **when the urine outlet is closed.** (See Wilhelm, col. 3, line 32 to col. 4, line 17. Additionally, the device for opening 43 of Wilhelm is not coupled to a user sitting down onto a toilet, as well as the device for closing 41 is not coupled to a rising again from the toilet bowl. Furthermore, the Wilhelm toilet does not have two outlets connected to two separated drainage pipes, like the present invention. Thus, the Wilhelm toilet is fundamentally incapable, to drain urine and faeces separately.

With regard to the allegation that the Wilhelm opening and closing devices are capable of being used in the functionally recited manner of the claimed invention, Applicant respectfully disagrees. Specifically, Applicant submits that sitting down upon the Wilhelm toilet, and rising again doesn't have any effect upon the opening and closing devices. Moreover, the Wilhelm toilet bowl renders the water-free collection and drainage of urine impossible. Once flushed, water level 13 is the minimum water level in the Wilhelm bowl. Thus, urine disposed into the bowl will be immediately mixed with the flushing water in the bowl. In addition, the Office Action declares the u-shaped siphon, which is a common feature for all flushing toilets, as protrusions for urine guidance. In contrast, the protrusions of the instant invention are located on the inner lateral surface of the bowl so as to guide urine to the urine outlet.

Accordingly, Applicant submits that since Wilhelm fails to disclose each and every element of the claimed invention, Wilhelm fails to anticipate the claimed invention. Withdrawal of the rejection is respectfully requested.

Conclusion

In summary, for the reasons set forth herein, Applicants submit that claims clearly and patentably define the invention and respectfully request that the Examiner withdraw all rejections and pass the application to allowance. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge \$525.00 as payment for the Petition for Three-Month Extension of Time fee to Deposit Account No. 07-1896. Additionally, the Commissioner is hereby authorized to charge any other fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,

Date: April 29, 2008



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In re Application of
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Application No.: 09/890,113
Filed: January 7, 2002
Page 14

PATENT
Attorney Docket No.: VOSS1170

EXHIBIT A

Replacement Sheets 1 and 2
Annotated Sheets 1 through 3